

# The La'o Hamutuk Bulletin

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## Women and the Reconstruction of East Timor

Women have played a critical role in East Timor's struggle for national independence. Both inside the country and in the diaspora, they courageously challenged the Indonesian invasion and occupation, as well as the international support that made these possible. East Timorese women have survived Indonesian military campaigns of violence, including forced sterilization, rape and sexual slavery. They have shown themselves as leaders, though they are often pushed aside in political discussions. And women have continued to struggle for equality throughout the United Nations' administration of East Timor.

Unfortunately, women's liberation is not a natural outcome of national liberation. In East Timor, as around the world, women face pervasive violence, both in public and private life. Women face higher rates of illiteracy, malnutrition, and overall poverty. Women as a group lack access to resources and power to impact public policies and development strategies. And while, since 1975, the United Nations has played an important role in international efforts to improve the status of women globally, economic globalization and international militarism continue to disproportionately impact women's lives in severe and negative ways.

This edition of *The La'o Hamutuk Bulletin* focuses on women organizing in this transition period for a view of "development" that includes women's voices. A group of women from across East Timor has drawn up a Women's Charter to be proposed to the Constituent Assembly, which will be responsible for drawing up East Timor's new constitution. Maria Domingas Alves (Mana Micato), who is running as an independent candidate in the upcoming election, describes her vision of development for poor women in rural communities. Manuela Pereira describes the serious problem of

domestic violence in East Timor. We also look at the role of the Gender Affairs Unit of UNTAET and women's needs relating to the emerging health and justice systems.

Women's inclusion in educational structures, religious, political, and even familial leadership are all extremely critical to a democratic model of national development. Inclusion alone, however, is not enough. Both traditional and "modern" hierarchical structures that give power to some while oppressing others must be challenged. Democratic process is not only about who participates, but also the structures and rules of participation.

A year ago, the first East Timorese Women's Congress was held. Over 500 participants attended and major demands emerging from the Congress were: mechanisms to ensure transparency and accountability in government; a truly consultative process in constitution building; and the need for resources to be available to empower women.

Earlier this year, *La'o Hamutuk* hosted a meeting on gender and development issues at the NGO Forum. Though invitations for the meeting were distributed widely, only one East Timorese and two international men attended the meeting. *La'o Hamutuk* is committed to issues of gender equality and we hope that both women and men will read these articles with equal interest. This Bulletin is far from comprehensive in its examination of women's participation in East Timor's reconstruction; it seeks only to contribute to this important discussion. ❖

**Also Inside . . . School Furniture:  
A World Bank-UNTAET/ETTA Project  
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# *Campaign to Support Women's Rights in the Constitution*

In March 2001, the National Council rejected a proposal that would have ensured that 30% of Constituent Assembly members' seats would be for women. They argued that a quota system would be unnecessary and discriminatory. The defeat, protested by women's groups in East Timor (see *La'o Hamutuk Bulletin* Vol. 2, Nos. 1-2), has not slowed women's activism on constitutional issues. A campaign is underway to collect 10,000 signatures in support of "the Women's Charter of Rights" before 15 August (see below), to present to the Constituent Assembly.

East Timorese women, representing different districts and organisations, wrote The Charter of Women's Rights. Their campaign will promote the Charter and inform both men and women of the important issues facing women. A fundamental campaign goal is to ensure that these issues be incorporated in East Timor's constitution.

"We want all people in East Timor to understand the importance of women's rights in East Timor. The Constituent Assembly must listen to the voices of men and women and write a constitution that includes the rights of women," said Maria Angelina Pereira, of the Gender and Constitution Subcommittee or the Constitutional Working Group, a coalition of national and international organisations.

## **WOMEN'S CHARTER OF RIGHTS IN EAST TIMOR**

**Article 1 Equality.** The Constitution must prohibit all forms of discrimination, including in all matters of law. The State may implement positive measures to promote equality between men and women.

**Article 2 Right to Security of the Person.** The Constitution must protect women's right to live free from any form of violence, both private and public.

**Article 3 Political Rights.** The Constitution must guarantee equal rights of women in political activities and public life, including the right to vote, to run for elected office, to participate in government policy decision making, and to participate in organizations concerned with communal and national politics.

**Article 4 Right to Health.** The Constitution must protect all people's right to basic health care of the same quality. The State must provide reproductive health care for women.

**Article 5 Right to Education.** The Constitution must guarantee equal rights to formal and non-formal education for men and women. Women must have equal opportunity to study, and have equal access to scholarship opportunities and literacy programs.

**Article 6 Social Rights.** The Constitution must guarantee the rights to livelihood, shelter, sanitation, electricity, water, transportation and communication, health and education, and social security in case of sickness, unemployment or incapacity to work. Women must participate in development programs at every level.

**Article 7 Labor Rights.** The Constitution must guarantee equal pay for equal work. Women must have a right to maternity leave without loss of salary, job, or position, and women's safety and health needs must have full protection in the workplace. Dismissal must be prohibited in cases of pregnancy or maternity leave.

**Article 8: Tradition and Women's Rights.** The Constitution must guarantee equal rights to inheritance, and regulate the dowry system to prevent violence against women. Women must be guaranteed participation in traditional decision-making processes.

**Article 9: The Right to Freedom from Exploitation.** The Constitution should prohibit prostitution and slavery.

**Article 10: Children's Rights.** The Constitution must protect children's basic rights, including the right to food, shelter and social services, the right to be cared for by parents and family, and the right not to carry out work beyond the child's age capacity.

The Constitution must provide an institutional mechanism to ensure the protection and realisation of women's rights in East Timor. ❖

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## Women's Participation in East Timor's Development at the Rural Community Level

*By Mana Micató*

Women make up more than half of East Timor's population and play crucial roles in community life and national identity. Women's participation in the reconstruction of East Timor, however, has not yet become a national priority. Many take for granted or discount women's work because it is generally unpaid and considered "women's natural role." Thus, women's contributions to the overall development process are not valued. Cultural and political structures marginalize women in decision-making processes. This is particularly true for women in rural communities, where traditional structures and practices keep men in the most powerful community positions.

East Timor's history has been one of colonial rule over hundreds of years, first under Portugal and then Indonesia. These colonial forces both created and maintained traditional social and political structures that are hierarchical, undemocratic, and divisive, with political power largely concentrated in Dili. These structures are also patriarchal, marginalizing women and giving men most decision-making powers.

Present development practices often reinforce these patriarchal and urban-centered structures. In turn, poor women in rural communities are often left out of the development picture. For many people, the term development conjures up images of physical progress in the context of cities with modern commercial centers, modern technology, cars, buildings and office jobs. Development planning, therefore, often focuses disproportionately on urban development, leaving rural communities neglected and leading to a flux of rural youth to cities in search of work.

Instead, we should envision development from the perspective of people's daily lives and with a focus on the most basic of needs, such as health, education, housing, and agriculture. Development policies must focus on the most marginalized people in society--poor girls and women in rural communities--and women must be involved in development planning.

In trying to empower women, we must ask ourselves: How can women at the grassroots become involved in national development efforts in effective and meaningful ways?; How can we hold local governments responsible for setting policies that respect the specific needs of women?; What aspects of development most significantly impact the lives of women and girls in rural communities?; and What are women already doing to improve life in their communities?

"Ukun rasik an" (Tetum for self-governing and independent) is most clearly understood in East Timor on the level of national liberation. We must also examine what this term means on the community and individual levels, and what it means for women as a group. Each person (woman, man, child and elder) must be heard and his or her basic needs must be met.

How can women be best involved in the development process during this transition period? First, men and women together must question and eliminate the culture of patriarchy in which women are dependent on men, and in which women are passive and lack courage to take leadership. Men must listen to women, examine their own biases and support women's involvement in all levels of decision making. Together, we must free ourselves from the destructive forces of materialism, corruption, and nepotism.

Women must know, defend and fight actively for their political rights and use these rights to influence both national and local governance, especially in terms of setting policies around education, health, and economic self-sufficiency. This requires that women in rural areas are informed about national issues and that local government is transparent. In rural areas, information is particularly difficult to access because of limited media sources, illiteracy, and a lack of civil society organizations with experience working non-clandestinely. For such reasons, government and civil society must work to increase and guarantee women's participation in the local political process. In this way, the political process will be democratic and respect everyone's right to self-determination.

Illiteracy continues to be a serious problem in East Timor, particularly in rural communities where it affects over 60% of women. Literacy training is important not only as a tool to develop the nation's human resources, but also as a means to empower women. The new East Timor must prioritise education, both formal and non-formal, if we are to find healthy and appropriate ways to develop rural communities. In rural communities we need to develop popular education models for women that involve building basic skills in a way that encourages civic participation and critical examination of power structures. These programs can include basic literacy, civic education, human rights, and other topics that empower women. Women can then choose for themselves how to best improve their lives as women and community members.

Basic health services for women continue to be

dangerously insufficient. There are not enough midwives and clinics, and the few hospitals and clinics that exist are not fully equipped to serve women's needs. At present, international NGOs are responsible for most rural health programs, which has created a problem of dependency. There thus must be far greater attention given to training local health workers and support for appropriate traditional medical knowledge, so that rural communities can develop self-sufficiency as opposed to dependency on international aid. In this regard, broad-based educational programs on women's health and children's nutritional needs must be a priority.

Finally, there must be strategies to develop rural women's economic capacity. While many view women's work as limited to inside the home, women are deeply involved in agriculture work, as well as commercial and craft enterprises. Local and national government policies must thus support local initiatives, such as community canteens, and cooperatives for agricultural products and handicrafts. Women need to receive training in how to manage finances and run their own businesses.

There is a history of women organizing educational campaigns in rural areas throughout East Timor. I

myself was involved in the early days of the OPMT (Organização Popular da Mulher Timorese) when we organized women's literacy classes and daily political discussions. After Indonesia invaded and we fled into the mountains, women and men discussed the political situation at hand and developed strategies for resistance together. We must remember this history and learn again from it.

Today, there are women's organizations and some NGOs that are truly working to support women's participation in the reconstruction of East Timor. Women have started new community literacy programs, community-based health initiatives, and small income generating projects for women. More and more, women in rural areas are organizing and demanding a voice in community decision-making and national policy-making. All of these activities show that women have the strength and skill to take leadership and contribute significantly to the development of a new, independent East Timor. ❖

*\* Mana Micato, also known as Maria Domingas Alves Soares, is one of the founding members of Fokupers, a women's organization that focuses on serving women survivors of violence.*

## Employment of Women in the East Timor Transitional Administration

Recently, ETTA led a large-scale effort to recruit and hire East Timorese for civil service positions. These positions will help lay the foundation for the new East Timorese government. The data below show the number of women employed as a percentage of total employment for different departments. Approximately 60% of all civil servant positions are in the education sector, 10% are in the police force, and 9% are in the health sector.

Department	Total Number of People Employed*	Total Number of Women Employed	Women as a % of Total Employed
Education	5770	1657	29%
Police	913	167	18%
Health	881	281	32%
Civil Security	371	11	3%
Judicial Affairs	193	33	17%
Border Control	186	37	20%
Water and Sanitation	130	4	3%
Agriculture	123	12	10%
Land and Property	67	12	3%
Labor and Social Services	32	9	4%
Foreign Affairs	18	7	39%

\* ETTA has filled 89% of the total number of positions approved by the Transitional Authority.  
Data provided by the Civic Service and Public Employment Office (CISPE), 31 July 2001

## Domestic Violence: A Part of Women's Daily Lives in East Timor

by Manuela Leong Peirera\*

After a long struggle, East Timor has founded a new nation. Sadly, East Timorese women continue to be victims of violence, and very often this violence occurs inside our own homes. We must not think that domestic violence didn't exist during Indonesia's occupation, that only our political enemies took the opportunity to abuse women. Domestic violence has existed in East Timor for a long time, though largely hidden from public view or discussion.

We often read in our local newspapers about public acts of violence against women: rapes, muggings, public assaults on women who dress outside of Timorese custom. This violence is very problematic and must stop. But we rarely read about non-public violence, such as that which takes place inside the home and which is actually more pervasive. This silence is extremely dangerous.

Fokupers received close to 70 cases of domestic violence in 2000. Civpol also note an increase in the number of women reporting violence in their homes. As most women are unlikely to report domestic violence to the police, these Civpol and Fokupers figures represent only a small number of actual cases.

In more than 95% of domestic violence cases, the perpetrator of violence is a man and the victim is a woman. Domestic violence may refer to a husband hitting, kicking, pushing, strangling or pulling his wife's hair. He may use his body or another object as a weapon. He may force his wife to have sexual relations. Domestic violence also refers to emotional

violence such as threats, intimidation, demeaning and violent language, abandoning responsibilities to the family, and isolating a wife from her family and friends. Domestic violence happens in Dili and other cities; it also happens in small villages. It happens among the poor as well as among the rich, among the highly educated as well as among the illiterate.

In East Timor, patriarchal values and culture are very strong. Patriarchy views women as inferior to men. It leads to parents prioritizing sending their sons to school as daughters can lead to a high brideprice if they are married young. As a wife, a woman is expected to obey her husband, without asking questions or expressing any disagreement. Women are expected to do all the work in the house while the men are heads of households and look for money outside the home.

What can we do to stop the violence? During this transition period, we hear more about the need for gender consciousness and gender equality. These messages, however, have not yet reached the majority of East Timorese. We must work together to raise consciousness about the meaning of gender equality, and we must identify and challenge all forms of patriarchy and violence against women.

Women are not the property of men; a woman's value is beyond a monetary price. Women have the right to control the major decisions in their lives and to decide with whom and when she will marry, how many children they will have, and when they want to have sexual relations with their husbands. Women have the



right to develop themselves, to learn new skills. Women have a right to make decisions in the family and to work outside the home. Perhaps most important, women have the right to talk about the violence they face and look for a solution. Domestic violence is not simply an individual or family problem as so many people think; it is a societal problem that we must identify as such.

There must be support and solidarity from all parts of society: from political leaders; church leaders; legal bodies; and all men and men. All must acknowledge domestic violence as a deep social problem that needs immediate attention. There must be mechanisms to support survivors of violence. We must start in our own communities, befriending and giving assistance to neighbors who are suffering. And women living with violence must have the courage to speak and the strength to leave the violence.

The law must also give protection to women facing violence. East Timor has inherited Indonesia's legal code in which there is no specific reference to domestic violence. Article 351 of the code refers to torture, which is used in cases of domestic violence, but this is far from adequate. While in the past the police have not given attention to domestic violence, there are encouraging signs that the police are now

taking this issue more seriously. The problem still exists, however, that domestic violence cases often never reach the courts, particularly if the man has political power.

All of us must understand violence against one's wife as a crime. There must be clear laws against domestic violence, marital rape and the treatment of women as property. And the authorities must enforce these laws. The law must also provide for assistance to victims of violence, assistance to men who are prone to acts of violence, appropriate medical services, and police who are sensitive to violence against women and who care and understand the key issues around the violence.

The East Timorese people are working to build a new constitution, and we need to work hard to ensure that women's needs are included in this important document. This can help build a foundation for positive change.

Our struggle continues... ❖

*\* Manuela Leong Pereira is the Director of Fokupers, a women's organization that works to support women survivors of violence and to end violence against women through advocacy and education.*

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***“Women constitute half the world's population, perform nearly two-thirds of its work hours, receive one-tenth of the world's income, and own less than one-hundredth of the world's property.”***

--United Nations, 1980

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### **Who is La'o Hamutuk?**

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# Commentary: International Security Forces and Sexual Misconduct

Sexual misconduct by military personnel occurs all over the world. Recent cases of sexual violence against women and children in East Timor show that the problem also exists in UNTAET's Peace Keeping Forces (PKF) and Civilian Police (CivPol). Although many PKF and CivPol have good relationships with East Timorese, there have been several instances of sexual misconduct: in early 2001, two PKF based in southwest Suai were sent home 'in disgrace' after being found guilty of inappropriate behaviour involving East Timorese women; several PKF in Oecusse are currently under investigation after allegations of sexual misconduct; and one CivPol officer is facing a rape charge.

The poster pictured here advertises a T-shirt with the writing 'Feel Safe Tonight, Sleep with a Peacekeeper' (photographed in the UNTAET Headquarters compound in November 2000). The message is that women should provide sexual services to Peace Keeping Force (PKF) soldiers if they want to feel safe. That a T-shirt and poster like this exist highlights the fact that sexism is institutionalized within the military. (Colonel Kelly of PKF's Legal Affairs Division has recently assured *La'o Hamutuk* that no PKF will wear the T-shirt.)

For years advocates of women's rights have been organizing to ensure justice in cases of sexual violence against women by military personnel. In the case of United Nations security forces, there are some specific considerations. Currently, all PKF have immunity against prosecution for their crimes, which can only be lifted by the nation from which the PKF soldier comes. If it is not lifted, as in the case of the Oecusse PKF, it is the responsibility of the accused's home country to ensure a complete process of justice. If the UN does not feel that the country in question is fulfilling this responsibility, they could reject future participation from that country in peacekeeping missions.

When CivPol personnel are accused of a crime, they also hold the privilege of immunity. Their immunity, however, may be waived by the Secretary General or the Transitional Administrator. The Transitional Administrator has recently shown a commitment to justice by waiving the immunity of a CivPol officer accused of rape. This man will now be tried in Dili where the case will be monitored by both local and international organizations.

Immunity means a freedom from prosecution in the national legal system. There is warranted fear that immunity often leads to impunity – a complete lack of any prosecution or justice. The justification for UN

civilian personnel and peacekeepers to have immunity is that some national governments may have particular political or historical agendas that would undermine the justice system. During UNAMET, for example, UN personnel could not be tried by the Indonesian government. While this makes good sense when the UN is the guest of another nation, it does not apply in East Timor currently. As the United Nations is the present governing authority, to apply immunity is effectively admitting that its own justice system is not impartial.

Colonel Kelly of PKF's Legal Division explains that there are UN procedures for investigating and prosecuting alleged crimes by UN personnel, and it is not a question of immunity leading to impunity. Many, however, both within and outside the UN, note that many allegations are not fully investigated and the procedures are inconsistent, difficult to understand, and not open for public review. As the UN Special Rapporteur on Violence Against Women, Radhika Coomaraswamy recently said, "It is absolutely essential that all UN forces are held to the same standards of international human rights law as are nation states... To do otherwise creates a climate of impunity in which offences proliferate."

Within the UN's international security forces, there must be zero tolerance for attitudes and behaviors that objectify or degrade women. And when crimes are committed, there must be a clear, thorough, and transparent procedure of justice. ❖



# The United Nations, Gender Affairs, and East Timor

Since its inception in 1945, the United Nations has addressed issues related to the status of women. Until the 1970's, however, women were viewed by the UN System as entities or objects that needed the protection of the world community. In the 1970's, women's integration into development began; women were viewed as 'resources' whose contributions would improve the development process. Then in the 1980's, at the end of the UN Decade for Women, the UN officially recognized women's equality and rights as critical in their own right and "at all levels of the development process". Many analysts have noted the shift as one from seeking to *integrate* women in development to seeking to *transform* the structures and relationships which perpetuate the marginalization of women.

The stated objective of the Gender Affairs Unit in UNTAET is to advocate for gender equity and equality, for a situation in which women are "equal partners with men in the promotion of sustainable development, peace and security, governance and human rights." Various UN charters and the East Timorese Women's Platform of Action, adopted at the first East Timorese Women's Congress in July 2000, form a basis for the issues on which the Gender Affairs Unit advocates. The Unit carries out its work through capacity building workshops and the development of training materials; ensuring the availability of data/statistics on gender issues; providing 'gender analysis' of both existing and proposed legislature; and helping to establish networks (at the international, national, and local levels) to enhance women's equal participation in the work of the Transitional Administration.

In the East Timorese Women's Network's *Briefing on Women's Issues* (June 2001) for the East Timor Donors' Conference, there is a call for "the prompt realization of a Gender Unit within ETTA (East Timor Transitional Administration) both now and after independence, and both in Dili and in the Districts administration. This is an urgent requirement so that women can be involved in dialogue so as to ensure

that they are not disadvantaged by administration policies." Whether this office is created will depend largely on the new elected government. If created, its effectiveness will depend on its location in the new government structure, the mandate it carries, and the degree to which its staff understand and commit to that mandate.

## "Mainstreaming Gender"?

A primary focus of the Gender Affairs Unit's work is 'mainstreaming a gender perspective' within all divisions of UNTAET and all activities of the Peacekeeping Mission. A recent training guide put out by the Gender Affairs Unit defines these terms in the following way: The 'mainstream' is the dominant way of thinking about and doing things. To carry the issue of gender equality into the 'mainstream' means to question dominant ways of thinking about the roles and rules women and men have in society. 'Gender' refers to the different learned roles that boys and girls and women and men have in society. It also refers to the power relations that arise between men and women based on the different roles they play. 'A gender perspective' refers to an awareness of inequalities between women and men in society as a whole, in the personal relations between men and women, and in official programs and policies. Thus the goal is that the needs, concerns, opinions, experiences of, and benefits for both women and men are considered and incorporated into all program and policy designs.

The concept of mainstreaming gender has roots in the international feminist movement and represents a radical step in women's participation in development. It must be noted, however, that many international development institutions have appropriated the concept and used it to 'depoliticize' women's issues. 'Mainstreaming gender' must include a commitment to challenge patriarchal, centralized, and hierarchical development patterns, and recognize how oppression relates to divisions based on gender, class, race and nation. ❖





## Childbirth: A Major Health Concern for Women

“Three newborn babies recently died in our village,” a village chief recently told *La’o Hamutuk*. “It is not uncommon for either the mother or child to die during childbirth here.”

East Timor faces many serious health problems; for women, childbirth is one of most pressing.

Most women in villages manage their pregnancies and deliveries without trained medical assistance, using only indigenous knowledge. While most births happen without complications, an extremely high number of women and children still die in childbirth in East Timor. According to an August 2000 report by the World Health Organization (WHO), past estimates suggest that 450-500 East Timorese women per 100,000 die in childbirth. But “due to the large proportion of births taking place without skilled birth attendants,” the figure could be as high as 850 deaths per 100,000 live births, states the WHO. In Indonesia, the figure is estimated to be only 390 per 100,000 live births.

Research conducted in July 2000 by an international NGO in Ermera showed that 85 out of 86 mothers gave birth at home, and many of these births took place without any trained midwife. These figures are likely higher than the national average as they reflect data from two remote villages with very limited access to health facilities. The data, however, point to a serious situation for women in villages.

*La’o Hamutuk* had discussions with many community health workers and local and international NGOs working in the health sector. On that basis, there seems to be a consensus regarding ways to improve women’s health in childbirth. Health workers identified the following practical steps as necessary to ensure safer childbirth:

- **General reproductive health education in villages.** Timorese women who have no medical training and would not identify themselves as birth attendants would help other women give birth at home. Grandmothers, mothers, sisters and neighbors would act as birth attendants in communities across

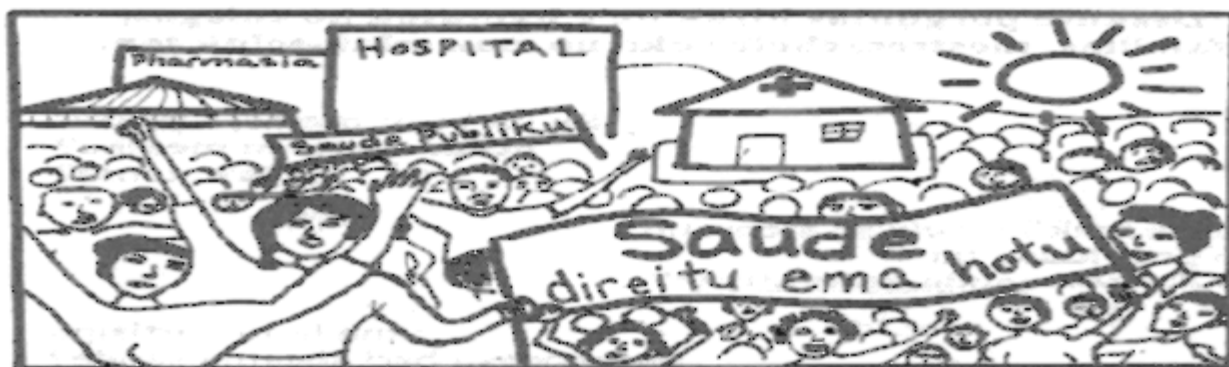
East Timor. All village women should have enough information both to attend to their own safe delivery and to assist with another woman’s childbirth.

- **Training for traditional birth attendants.** Some women call a traditional birth attendant to attend their childbirth. While midwives receive formal medical education and work at clinics or hospitals, traditional birth attendants (‘daia’ in Tetum), assist deliveries without any formal medical education or with minimum practical training. Taking this into consideration, there should be further research on the role of these attendants in villages and they should receive trainings to upgrade their skills.

- **Establishment of networks and support groups.** Women do not have to be isolated if a support group is established in a village. Women need to share information, knowledge, as well as their experiences. One support group could be linked to traditional birth attendants and professional midwives inside and outside of the village. In this way, a better plan would exist for rapid treatment when problems in childbirth occur.

It is encouraging that local and international NGOs have recently started some grassroots initiatives in the above areas. On the national level, the Division of Health Services (DHS) in collaboration with UNICEF has started training midwives, with the hope that these midwives will provide training and practical advice to traditional birth attendants in villages. In addition, DHS plans to begin reproductive health education in villages in approximately three months.

It is critical that these programs empower women as well as reduce health-related problems. And it must always be understood that women’s health problems are deeply related to their socio-economic situation. Basic infrastructure and transportation are also needed to mitigate health-related problems. Women and their newborn children must be ensured the right to lead healthier lives.❖



## *In Brief. . .*

On July 25, UNTAET announced that it had eliminated the export tax on coffee, East Timor's main cash crop and its biggest earner of foreign currency. Until the repeal, exports of coffee of more than five kilograms were taxed at a five percent rate, lowering the price received by farmers accordingly. About 40,000 families in East Timor depend on coffee as their main source of income. In a 28 May letter to the National Cooperative Business Association (NCBA) and UNTAET, the Coffee Farmers Forum of Ermera protested the low prices received by growers, suggesting problems of corruption and demanding that UNTAET/ETTA establish a minimum price for coffee. As of May, farmers selling to the NCBA Coffee Cooperative receive approximately US\$0.10 per kilogram of (unprocessed) cherry beans, or about 12 cents if they deliver the beans to the nearest processing centre. These prices represent a significant reduction over the last few years. NCBA director, Sam Filiaci, has denied farmers' accusations that his company was ripping off farmers. "This is caused by very low international prices, and we tried to explain this to the farmers," he said. "Unfortunately, the people who have to bear the brunt of the low prices are the producers."

**Australian Foreign Minister Alexander Downer stated that Australia provided more than the normal amount of intelligence information on Indonesia to the United States during the 1999 UNAMET consultation process.** Downer made this claim on July 16 at the release of a new book by the Department of Foreign Affairs and Trade entitled *East Timor in Transition 1998-2000: An Australian Policy Challenge*. "I have received a written assurance from the Director-General of the Office of National Assessments confirming on behalf of all Australian intelligence agency heads that Australia maintained close and constant contact with the US in the intelligence field during the crisis . . . and held back nothing that would normally be shared between the two countries," Downer reported. A key question is, thus, what "would normally be shared" between Australia and the U.S.? According to a recent article in *The Pacific Review* by Australian intelligence specialist Desmond Ball, Canberra withheld important information from Washington during the consultation documenting the links between the Indonesian military (TNI) and the militia groups.

*La'o Hamutuk comment: Nevertheless, there is little*

*doubt that the U.S. government was more than sufficiently informed about TNI sponsorship of the militia.*

**Former Australian Foreign Minister Gareth Evans cautioned against Western countries—especially the United States—rushing to resume full military ties with Jakarta.** Writing in the *International Herald Tribune* newspaper of July 27, Evans stated that as a former proponent of such ties, "I am one of those who has to acknowledge . . . that many of our earlier training efforts helped only to produce more professional human rights abusers." According to Evans, "Large-scale sales or transfers of arms from the United States are not justified until Indonesia shows major improvements in stemming human rights abuses" and in achieving accountability for past abuses in East Timor and in Indonesia proper.

On July 31, **Father Filomeno Jacob, the ETTA Cabinet Minister for Social Affairs, stated that not all education and healthcare will be free in an independent East Timor.** In making this statement, Fr. Jacob was calling into question the feasibility of promises made by various political parties of free education and healthcare for all. East Timor will not be able to afford such things, according to the cabinet minister. He went on to say that while the first nine years of education should be free for all, it is unlikely that it would be free at the secondary and tertiary levels. "In the future, if East Timor becomes rich, we can provide free healthcare and education," he said, "but if we take the current reality into consideration, it seems likely that people will have to pay something." Fr. Jacob did say, however, that this was not something that he could decide, but a matter that a future government and political parties would have to discuss and decide.

**Two members of Japan's Self-Defense Force arrived in East Timor on 28 July to make an assessment of the territory's security situation** in the run-up to the 30 August elections. Various Japan-based human rights, development, and East Timor support groups are continuing to voice their concerns to East Timorese leaders and Japanese officials, arguing that Japan's post-World War II constitution prohibits the sending of troops overseas. (See the previous issue of the *Bulletin*.) They see the arrival of the two military representatives as a dangerous sign of increasing Japanese militarism.

According to a 9 August report, **the Indonesian government has rejected an UNTAET proposal**

**for a land link between East Timor and the enclave of Oecussi on the basis of security considerations.** Talks between UNTAET and the Indonesian government on the matter will resume in September.

**While some East Timorese political leaders officially welcomed the cabinet selections of new Indonesian president Megawati Sukarnoputri, they also expressed concerns about the inclusion of certain military officials.** According to Yayasan HAK, East Timor's most prominent human rights organization, Megawati's close military ties make it

unlikely that her government will bring to justice military officials responsible for crimes against humanity and war crimes committed in East Timor. "It is worrying for...the process of democracy in Indonesia that those generals who were part of a long-standing authoritarian government are given new political roles," said HAK spokesman Joaquim Fonseca on 10 August. Most worrisome was the appointment of retired general A.M. Hendropriyono as the head of Indonesia's national intelligence agency. "He was known to have been present during meetings in East Timor when the militia were established," stated Fonseca. ❖

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***"The planning of development programs in East Timor must be gender-sensitive, providing guarantees for women's active involvement in all political and economic processes, including decision-making. Now is the time to give serious attention to women's issues, especially in rural communities and in education and health, two fields that could greatly contribute to improving the lives of East Timorese women."***

--Ajiza Magno, Representative for the East Timorese Women's Network  
at the Donors' Conference in Canberra, June 2001

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## **Catholic Women's Conference in Rome**

Earlier this year, the World Union of Catholic Women's Organizations (WUCWO) held a conference of members in Domus Pacis, Rome. Two East Timorese women, Sr. Maria Dias of PAS Clinic and Laura Abrantes of Fokupers attended the conference. Both women are also active with the East Timorese Women's Network.

Founded in 1910, WUCWO is an international non-governmental organization with a membership of nearly 20 million women from around the world. WUCWO's objective is "to promote the presence, participation and co-responsibility of Catholic women in society and the church, to help them fulfill their prophetic mission and work for human development...in solidarity with women who suffer the consequences of poverty, war, oppression, marginalization, and repressive traditions."

At the WUCWO meeting in Rome, international representatives approved a list of 15 resolutions, which they have since forwarded to Pope John Paul II, the United Nations and many other influential individuals and organizations. Some of the resolutions passed include:

\* To work with men, within the Church and society, to **eliminate violence against women** in all its forms and throughout all countries.

\* To **fight against the patriarchal structures that reduce women to merchandise** and commit

ourselves to take action to improve the disparaging image of women in society, church, the family, and in the media.

\* To **give special attention and care to women and babies who are victims of sexual crimes in war** and to do everything possible to stop the crimes of war and violence.

\* To **stop the sexual exploitation of children** through education and advocacy for stronger international laws eradicating "sex tourism" and all commercial forms of sexual exploitation of children.

\* To **encourage the Catholic Church to review all of its structures and systems to ensure that women are not excluded** from decision-making processes of the Church even at the highest level.

\* To **support women's equal representation in leadership positions in the Catholic Church.**

\*To **urge the leaders of our Christian Churches to respect each other in their differences** and to show respect and understanding for those who – by culture, birth or conscious choice – have different religions.

\* To **support fair trade policies and ethical investment** and to pressure global companies to adopt ethical trade practices which will facilitate the economic growth of poorer countries, rather than their decline.

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# The Provision of School Furniture: Assessing One Component of the World Bank's Emergency School Readiness Project

Nearly two years have passed since the Indonesian military and their militias destroyed 75-80% of all school buildings in East Timor. Given such destruction, and the challenge of working in an emergency situation, restoring East Timor's schools to baAsic operational order has been an extremely formidable task. Without doubt, the World Bank, UNTAET and the East Timorese Transitional Administration (ETTA) have made progress in this area. At present, 81% of the total 54,258 sets of furniture ordered have been delivered to schools. It is estimated that approximately 100,000 sets will be needed eventually to serve all students in East Timor.

There have been, however, a number of problems in the implementation of the emergency stage of the school rehabilitation effort, including the provision of school furniture. These problems have related to planning, process, and vision. Originally, for example, the goal was to complete the rehabilitation of the classrooms to a "basic operational level" by October 2000. While there are numerous reasons for the delay—some of which were beyond the control of the World Bank and UNTAET/ETTA—a number of them would appear to have been avoidable.

Perhaps the greatest problems relate to the insufficient level of commitment on the part of the World Bank and UNTAET/ETTA to having local employment generation and capacity building as important goals of the project. The Bank and UNTAET/ETTA argue that one should not confuse the goals of an emergency project—in this case, bringing destroyed schools to a basic operational level as quickly as possible—with other goals.

The outcome of the school furniture component of the Emergency School Readiness Project shows, however, that school rehabilitation, local capacity building, and employment generation are not mutually exclusive goals.

In fact, had the World Bank and UNTAET/ETTA prioritized all of these goals, it is very likely that the project would have seen a more timely completion of the first phase of the rehabilitation, while providing greater benefits to East Timorese society as a whole.

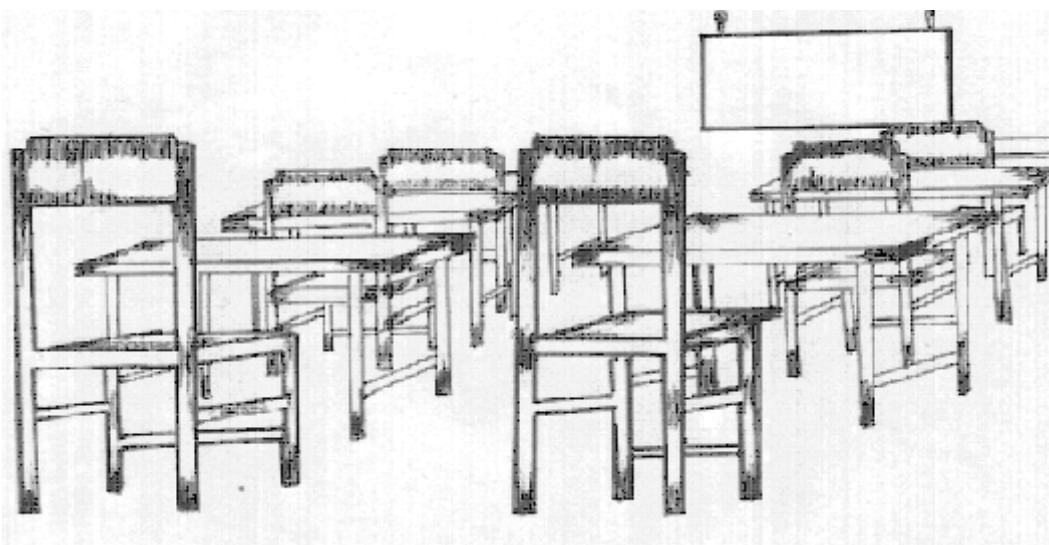
## Background:

### The Emergency School Readiness Project

The World Bank manages international donors' funds for the Emergency School Readiness Project (ESRP) through the Trust Fund for East Timor (see *The La'o Hamutuk Bulletin* Vol. 1 No. 4). In June 2000, the World Bank completed negotiations on the US\$13.9 million ESRP, the first phase in the School System Revitalization Program. This first phase, to be implemented by UNTAET/ETTA under the guidance of the World Bank, included three main components: 1) the renovation of 2100 classrooms; 2) the provision of furniture to 2500 classrooms; and 3) the design and building of five new "prototype" schools.

According to the World Bank's "Project Appraisal Document", the primary goal was to restore furniture to schools before the new school year started in October 2000. While this included both the provision of student furniture and teachers' furniture, student furniture was by far the largest component. To meet the project's goal, ETTA was to import a temporary, national set of plastic furniture for students, which locally made furniture would replace during Phase II of the project.

The plan to spend US\$1.7 million to import plastic furniture met with widespread dissent. Many East Timorese businesspeople, political leaders, and national and international NGOs wrote letters of protest to UNTAET/ETTA and the World Bank. They argued against the decision because: 1) the funds spent would leave the country, in no way assisting the local economy; 2) the importing of furniture would do nothing to provide



local employment or build up the in-country carpentry capacity; and 3) questions remained as to whether sufficient funds would exist to replace the non-durable plastic furniture.

In response, UNTAET/ETTA and the World Bank eventually agreed to change the project design to include greater local furniture production. The new agreement promised 40% of the total student school furniture contracts to local manufacturers. With this significant project design change and Australian government support, the World Bank and UNTAET/ETTA added local capacity building to the project goals.

#### **Problems of Consultation and Local Ownership**

The World Bank's "Project Appraisal Document" describes the Emergency School Readiness Project as following a participatory approach and carrying out broad consultation. One must question the extent of these consultations, however, given the criticisms of the original project design.

The Bank and UNTAET/ETTA, for example, argued that it was necessary to import plastic furniture to satisfy the local demand for functioning schools. But a report from the Australian Agency for International Development (AusAID) (October 2000) showed that community sentiment was more complex: "Particularly in the rural districts," the report noted, "a strong feeling exists amongst parents in the communities that people are prepared to accept some further delays [in receiving school furniture] in return for the benefits of future local employment."

Clearly, the decision to reject the plastic imported furniture option played a large role in the delays, as the World Bank and UNTAET are quick to point out. As their recent "Background Paper to the Canberra Donor's Conference" (June 2001) states, "Strong efforts have been made to support local carpenter production of furniture, which has slowed distribution."

Others argue, however, that if the World Bank and UNTAET had consulted widely and recognized from the start the critical need for local employment, and that local capacity for furniture production existed, they could have immediately engaged local carpenters in the process of furniture making. Instead, the two institutions spent months developing a new project plan and then ensuring donors' approval of the changes.

World Bank and UNTAET/ETTA officials such as Francisco Osler, current Project Director for the Emergency School Readiness Project, explained that there was always a commitment to local participation, but the concern was local capacity.

Two different assessments, however, found that local capacity was sufficient for the project. The first one, carried out by the World Bank and ETTA, concluded that the local industry was adequate to produce the required number of desks and chairs within an appropriate

timeframe. A second one, by a team from AusAID, supported this assessment: "[T]here is sufficient local capacity both in Dili and across the other 12 districts to produce the amount of classroom furniture of the standard required to satisfy Phase I of the project... within an appropriate timeframe," the report stated.

Poor planning and problems in coordination between UNTAET/ETTA and local communities led to delays in furniture actually getting to schools. Despite the combined planning resources of the World Bank, UNTAET and ETTA, they did not address the challenge of country-wide distribution of materials and of completed furniture until very late in the project. The Peacekeeping Force (PKF) and various international NGOs assisted with the transportation of furniture, but because of the lack of planning, furniture sometimes remained for weeks in carpenters' shops waiting for delivery. An additional complication has been the fact that there is still no grand map showing the location of schools in East Timor. (A national school-mapping project has now commenced and is due to present findings by the end of September 2001. It is unclear why the mapping project began so late. The World Bank-led Joint Assessment Mission identified the mapping project as a top priority for educational rehabilitation in late 1999.)

#### **A Poor Commitment to Local Employment**

Both World Bank and UNTAET officials defend their decision to import 60% of the furniture. When asked about the studies mentioned above, Osler explained that capacity exists, but one must consider the time factor, implying that the importation of furniture would be faster than local production.

In fact, local companies have been much faster than international companies in delivering furniture. Delivery of locally produced furniture is now 100% complete, while the figure for internationally produced furniture is only 65%.

This is not surprising, as there is a rich tradition of carpentry in East Timor. Generations of carpenters have received training at Fatumaka and from the Don Bosco brothers in Dili, and there are many small carpentry shops scattered across the country. However the contracting process used by UNTAET/ETTA greatly hindered participation by these small shops.

Bigger international firms and larger Dili-based businesses that can produce furniture more quickly had a clear competitive advantage over small district carpentry shops. International firms also understood the rules of the game much better than local groups, particularly those in the districts. Many small carpentry shops, for example, were ineligible to bid for a contract because they were not registered officially as a business. The process of business registry itself was, for some local groups, a complex and confusing process.

The initial invitations to bid for contracts were in

English only as were the multi-page contracts, which included highly technical legal prose. This had the effect of further marginalizing East Timorese participation. When asked about the appropriateness of this, School Readiness Project staff Ollie De Castro explained that the language of the UN and the transitional administration is English. "Marginalization based on language," he added, "is not particular to this project."

Statistics showing the division between locally and internationally produced furniture are misleading. UNTAET's present regulation on business registration does not distinguish between an East Timorese-owned and run business and an internationally-owned and run business located in East Timor. Thus, if the operation is within the territory, it is a "national" business according to UNTAET.

In fact, 30% of "local" production went to German Agro Action, an international NGO (in this case, the German government provided all the necessary timber). Another 10% went to Rosedale, a majority Australian-owned company. And only three truly local carpentry shops based outside of Dili received contracts. (There have been several different investigations into the bidding process. The World Bank's Fraud and Corruption Unit's investigation is not yet finished. ETТА's Inspector General's Office just released their report.)

#### **Insufficient Commitment to Capacity Building**

Much to its credit, the Australian government initiated a project in September 2000 with the explicit goal of helping to "build capacity for local furniture production throughout East Timor." After assessing that local capacity did, in fact, exist, an AusAID team of consultants arrived to assist and support local production, with local capacity building being a priority. The team prepared to provide training and administrative assistance to small carpenters' groups who had little to no experience with large-scale business contracts.

Ron Isaacson of the World Bank credits AusAID and their implementation team for facilitating much of the local carpenters' participation. The AusAID team, according to Isaacson, was very successful in building local capacity as the team taught local carpentry groups about the processes of bidding for a contract, making purchase orders and procuring materials internationally.

Despite the noble goals of the AusAID effort, it was seriously hindered in its ability to provide lasting capacity building. In many ways, the team ended up acting as field agents for ETТА, signing up local manufacturers' contracts often with little time for capacity building. In its own report of March 2001, the AusAID team wrote, "The goal to provide school furniture is urgent with a demand for quick results whereas the goal of capacity building requires time and an unhurried approach. These conflicting objectives were the source of most of the obstacles the team faced."

#### **Lessons Learned?**

After the many difficulties in the contract process for student furniture, the AusAID team developed a simpler process for teachers' furniture. "Participation agreements" allowed for much greater flexibility than the contracts used previously, and more carpentry shops from district were thus able to participate. In the end, twenty small workshops (many representing a collective of smaller workshops) in eleven districts signed "participation agreements" to produce sets of teachers' furniture compared to eleven workshops in four districts for the much larger component of student furniture (not including the German Agro Action manufacturing in Suai and Oecusse).

Phase I of the School Revitalization Project is now near completion. The World Bank, in both Washington and Dili, together with UNTAET and members of the ETТА will soon negotiate on the next stage of the School System Revitalization Project. It is critical that the World Bank, the UN, and ETТА all take the lessons learned in this project and carry them into the next phase of the School Revitalization Project as well as into other projects. The school furniture component of the ESRP shows that there must be:

**\*A genuine commitment to identifying and responding to community needs at the onset of project planning.** If genuine consultation, in the form of participation in the planning process, had taken place before the project design was finalized, the project would have likely been significantly different and the project would have been able to move ahead much more quickly. In effect, East Timorese would have had a more meaningful role in the reconstruction process.

**\*A broader vision when developing projects, one that puts capacity building as a central concept.** The School Rehabilitation Project started with the extremely narrow goal of getting furniture into schools as quickly as possible. Employment generation and local capacity building are, however, just as critical to East Timor's ability to recover from the violence and destruction it has faced. International funding institutions, bilateral donors, and business contractors must prioritize capacity building and vocational training, whether in emergency or development projects.

**\*A commitment to keeping development dollars in East Timor and supporting East Timorese employment.** International purchasing has not proved cheaper or more efficient in the case of school furniture. In any case, there must be a wider notion of what constitutes "efficiency." The World Bank and the UN must develop clear purchasing and contracting procedures that are appropriate to supporting local employment and capacity building. ❖

*(continued from page 16)*

the interim nature of the constitution and the fragility of the institutions and practices that will emerge from the process, there should not be a sudden, but a gradual hand-over of power to an independent East Timorese government.

In this manner, the international community in the form of the United Nations would maintain *some* sovereignty for a limited period of time in specific areas of the government, such as the judiciary, human rights, and defense. Other areas such as foreign affairs, economic development, education and health should be the exclusive jurisdiction of the soon-to-be independent government, with international assistance. In any case, this can and should be a matter considered by the constituent assembly in its deliberations and included in the interim constitution if deemed appropriate.

In a document released earlier in the year, East Timor's

Catholic Church likened a constitution to a "house of our dreams," one that "[y]ou cannot build . . . overnight. You need to consult everyone who will live in it so that it is properly designed to suit the interests of everyone. The design takes a long time." As the Church contends, a satisfactory constitution must be agreeable to all major sectors of society, something that can only about through a process that is "truly inclusive, consultative, and responsive to the different perspectives to the community."

By drawing up an interim constitution in the coming months, East Timor's constituent assembly members can ensure that a process such as that advocated by the Church and other sectors of civil society can actually take place. East Timor's future as a vibrant democracy with governing institutions appropriate to the country's history, culture, and political-economy depends on it. ❖

*Aderito Soares is on the Executive Board of La'o Hamutuk.*

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## **Editorial: Phillips Petroleum and Canberra Play an Old Game**

Once again, greedy oil companies and their allies in the Australian government are trying to take advantage of East Timor. And, once again, they are wrong.

The latest controversy concerns an announcement on 26 July by Phillips Petroleum, a U.S.-based oil company, and its fellow investors in the Timor Gap. In a letter to U.N. Secretary-General Kofi Annan, Phillips expressed their dismay that East Timorese leaders will not guarantee them the same tax rates they received from the Indonesian occupation authorities. For this reason, Phillips and its partners are delaying "indefinitely" the construction of a US\$500 million pipeline that would carry natural gas from the Bayu-Undan field to Darwin.

A spokesperson for Australian Foreign Minister Alexander Downer criticized the East Timorese position for reportedly trying to extract a further US\$500 million from oil companies involved in the Timor Gap. While acknowledging East Timor's right to decide its own tax policies, he claimed that East Timor's position contradicts a signed promise by East Timorese leaders Xanana Gusmão, José Ramos Horta and Mari Alkatiri in October 1999. Reportedly, this agreement stated that taxation rates would be no higher than those under the Indonesian authorities. "We think it's important that [East Timor] holds up its original commitment," stated Downer's spokesperson.

Rightfully, UNTAET head Sergio Vieira de Mello publicly expressed strong disapproval of Phillips Petroleum and various Australian government officials. And lead negotiators for the recently-signed memorandum of understanding on the new Timor Gap Treaty, Mari Alkatiri and Peter Galbraith, voiced their support for de Mello's position, with Minister Alkatiri characterizing the concerns of the oil companies and Canberra as

"misdirected."

Phillips and Canberra are attempting to hold East Timor hostage to supposed "promises" made in the immediate aftermath of a campaign of murder and destruction by the Indonesian military and its militia proxies. In doing so, they are trying to maintain a fiscal regime very favourable to the interests of the oil companies, a position gained because of Indonesia's desire to gain international acceptance of its illegal annexation of East Timor. In this regard, Phillips and Canberra are trying to institutionalise the result of a criminal act, one in which they were partners in crimes.

As former Political Affairs minister, Peter Galbraith argued, "In October 1999, while Dili was still in smoldering ruins, East Timorese leaders indicated to the companies that they welcomed their continued investment in the Timor Sea. At the time, the leaders were not aware of the unfair investment incentives, which lay hidden in company contracts." For this reason, asserted Galbraith, "it is ludicrous now to assert that East Timor is obliged to give the companies the benefit of the same unfair fiscal incentives that were offered to them by the Indonesians and Australians", ones "offered to attract companies to invest in a territory which belonged neither to Indonesia nor Australia."

There is too much money involved in the Timor Gap for Phillips Petroleum and its allies to *not* stay involved. The question is, under what conditions will they be involved? As the past conduct of Phillips and its allies in aiding Indonesia's subjugation of East Timor demonstrates, they are not defending any principle; they are simply trying to ensure high profits. The East Timorese leadership is correct to insist upon a set of tax policies that is significantly more favourable to East Timor. ❖

# For an Interim Constitution

By Aderito de Jesus Soares

A constitution is the basic law of a country. All of a country's other laws flow from its constitution and, as such, must respect its substance and spirit. This is a key reason why East Timor's constitution will be so important.

But just as important as the constitution's substance is the process of drawing up the actual document. It is through this process that the citizenry comes to feel a sense of ownership over the country's constitution and its political institutions. Also, assuming that the process is sufficiently inclusive and participatory, it will help to lay the basis for a tolerant, democratic, and vibrant political culture.

This last outcome is especially important given the almost 24-years of experience under Indonesia in which the law and its institutions were part of a repressive apparatus. As such, there is a general lack of trust among East Timorese toward the law and political institutions.

Unfortunately, East Timor's current constitutional process is unlikely to redress this problem. Indeed, it is totally inadequate and improper. The process simply does not allow people enough time to begin to understand the complex matters included in a constitution and to ponder and debate these issues. Unless the process as now envisioned changes radically, it will be impossible for East Timor to develop a set of political and governing institutions and practices that will be sustainable in such a brief period.

As currently planned, the soon-to-be elected constitutional assembly will have a period of only ninety days to draw up East Timor's first constitution. In doing so, they are supposed to take into consideration the findings of an already-completed constitutional consultation, which took place over forty-five days. This process is going forward despite the fact that ten percent of East Timor's population is still outside the country—terrorized and held as virtual hostages by Indonesian military-backed militia in refugee camps in West Timor.

Various sectors of East Timorese society ranging from the country's Catholic Church to the national NGO Forum have strongly and consistently voiced their criticisms and concerns regarding the inadequacy of the process to the territory's governing authority, UNTAET. But UNTAET has ignored these pleas.

Nevertheless, there is something that the soon-to-be-formed Constitutional Assembly can do to correct this problem: it can produce a document that will only

have interim status, one that will guarantee and facilitate a far-reaching participatory process to draw up a permanent constitution at a later date. East Timor's Catholic Church advocated something similar earlier this year, officially recommending following the example of other countries emerging from traumatic pasts, such as South Africa, by drawing up an interim constitution.

This interim document would last for, say, 3-4 years and provide a mandate for the new government to conduct a more far-reaching and inclusive constitution-making process during its mandate. This new process should take at least one-year. It should involve various sectors of civil society, including women's groups, religious bodies, human rights organizations, youth groups, university associations, and labor unions—in addition to political parties.

During this period, the international community should retain some authority and thus responsibility for East Timor's well-being. While there should soon be a hand-over of significant levels of sovereignty to the East Timor people by the United Nations, it should not be total. Given

*(Continued on page 15)*

## What is La'o Hamutuk?

*La'o Hamutuk (Walking Together in English)* is a joint East Timorese-international organization that monitors, analyzes, and reports on the principal international institutions present in Timor Lorosa'e as they relate to the physical, economic, and social reconstruction and development of the country. *La'o Hamutuk* believes that the people of East Timor must be the ultimate decision-makers in the reconstruction/development process and that this process should be as democratic and transparent as possible. *La'o Hamutuk* is an independent organization, works to facilitate effective East Timorese participation in the reconstruction and development of the country. In addition, *La'o Hamutuk* works to improve communication between the international community and East Timorese society. Finally, *La'o Hamutuk* is a resource center, providing literature on development models, experiences, and practices, as well as facilitating solidarity links between East Timorese groups and groups abroad with the aim of creating alternative development models.

*In the spirit of encouraging greater transparency, La'o Hamutuk would like you to contact us if you have documents and/or information that should be brought to the attention of the East Timorese people and the international community.*